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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC, Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**STIPULATION TO CONTINUE  
HEARING ON MOTION FOR  
SUMMARY JUDGMENT RE  
GUNDERSONS' REMAINING  
CLAIM**

Date of Hearings: November 16, 2007  
Time of Hearings: 9:30 a.m.

New Date of Hearings: December 14, 2007  
Time of Hearings: 9:30 a.m.

USACM Liquidating Trust (the "USACM Trust"), by and through its counsel,  
Lewis and Roca LLP, and Wynn A. and Lorraine J. Gunderson ("Gundersons") on their  
own behalf, hereby stipulate:

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1           1.       Wynn and Lorraine Gunderson filed proof of claim No. 10725-02447-1 on  
2       April 25, 2007, which was amended by proof of claim No. 10725-2447-2 filed in the  
3       amount of \$176,135.00 also filed on April 25, 2007.

4           2.       On July 30, 2007, the USACM Trust filed its Objection to Wynn and  
5       Lorraine Gunderson Claims Asserting Secured Status (the "Objection") [DE 4262], which  
6       objected to the secured status of Claim No. 10725-2447-2.

7           3.       On July 30, 2007, the USACM Trust filed its Motion for Summary  
8       Judgment [DE 4291], which seeks summary judgment on the Objection and asks that the  
9       Court reclassify Claim No. 10725-2447-2 as a general unsecured claim.

10          4.       The Objection and Motion for Summary Judgment were scheduled for  
11       hearing on October 15, 2007.

12          5.       On October 12, 2007, the Order Approving Stipulation to Disallow  
13       Duplicate Claims filed by Wynn A. and Lorraine J. Gunderson and Continue the hearing  
14       on the Motion for Summary Judgment re Gundersons' Remaining Claim [DE 5007], was  
15       signed by this Court. That order continued the hearing to November 16, 2007, at 9:30 a.m.

16          6.       The Gundersons have contacted counsel for the USACM Trust and  
17       requested additional time to respond to the Motion. To accommodate the Gundersons'  
18       request, the parties stipulate as follows:

- 19               •     The hearing on the Motion for Summary Judgment as it relates to Claim  
20               No. 10725-02447-2 only, the Objection set for November 16, 2007, at  
21               9:30 a.m. is vacated and continued to December 14, 2007 at 9:30 a.m.;  
22               •     The Gundersons shall have until November 16, 2007, to file and serve a  
23               response to the Motion for Summary Judgment and/or the Objection; and

24       ////

25       ////

26       ////

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

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- The USACM Trust shall have until December 3, 2007, to file and serve its reply.

**LEWIS AND ROCA LLP**

By: /s/ RC (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

*Counsel for USACM Liquidating Trust*

-and-

By:   
Wynn A. Gunderson

By:   
for Lorraine A. Gunderson